

My Ladies, Lords & knaves...

AS THE *FREELANCE* went to press we were expecting a crucial mid-February "Report Stage" Lords debate on a Bill to change copyright law. The "Enterprise and Regulatory Reform" Bill includes powers for Ministers to write Regulations permitting licensing of "orphan works" whose authors cannot be found, and "Extended Collective Licensing" (ECL) allowing the BBC, for example, to write cheques to collecting societies for the right to put archive programmes online, leaving it to them to distribute the money to creators such as yourself – or not to you, if you've been pressed to sign away your rights.

During the final day of the Lords Grand Committee's discussion of the Bill on 31 January, Labour Peer Lord Stevenson of Balmacara observed that "extended collective licensing requires fair contracts. People who work in the creative industries are already seeing intensified efforts by many publishers and other intermediaries to coerce individuals who are sole traders into signing away all rights to their work. Those who succumb... would be deprived of the income that the ECL provisions

in the Bill are supposed to offer. The failure of the Bill," Lord Stevenson added, "to include measures to level the playing field for negotiation of contracts undermines the purposes of copyright in promoting fresh creativity."

The Liberal-Democrat Lord Clement-Jones moved an amendment to probe the possibility of challenging such unfair contracts in the courts, "inspired by the Creators' Rights Alliance which feels that the contractual scales are very much weighted against it." The NUJ has largely campaigned on the Bill through its membership of the Creators' Rights Alliance.

The Conservative Peer Baroness Buscombe noted that the government claims that "ECL has operated in the Nordic countries without challenge." But "there is a difference... In Nordic countries, the system operates against a background of legislation that guarantees remuneration for creators and the identification and integrity of works."

The new government Minister responsible for copyright, Viscount Younger of Leckie, answered a different question, about payment to

"rights-holders" – including publishers who've imposed contracts assigning income to them. He promised a meeting with concerned Lords to discuss unfair contracts.

A group of news and picture agencies have threatened to initiate a judicial review of the Bill even before it is passed.

Meanwhile, on 20 December the Intellectual Property Office unveiled its policy on "exceptions" to copyright – rules stating when works can be used without permission of, or payment to, their authors. The document noted the submissions made – including those from the NUJ and CRA – on the dangers of its proposals, ignored them, and announced that it would bring in almost all the changes possible under EU law, in the Spring.

Clement-Jones and other Lords on 28 January raised concerns about Parliament being presented with a "take-it-or-leave-it" wedge of good, appalling and indifferent changes – thus being put in the same position that authors and performers face with "take-it-or-leave-it" unfair contracts. There's more online.

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No charge in Martin O'Hagan murder case

THE NORTHERN Ireland Director of Public Prosecutions announced in January that it has decided not to prosecute in the case of Martin O'Hagan – the *Sunday World* reporter murdered in Lurgan in 2001. O'Hagan was Secretary of NUJ Belfast and District Branch, and is believed to be the only journalist murdered in Northern Ireland.

The case was based on evidence supplied by Neil Hyde, convicted in 2012 for numerous Loyalist Volunteer Force offences, who agreed to help police in exchange for a reduced sentence. The prosecutor decided that, "in the absence of any corroboration, the available evidence is insufficient to provide a reasonable prospect of obtaining a conviction against any individual".

Sunday World northern editor Jim McDowell expressed anger at the decision. NUJ Irish Secretary Seamus Dooley said the union "does not accept that the State can walk away from this case. The murder... was



Martin O'Hagan attending the trade union event to mark May Day 2001.

Photo © 2001 Kevin Cooper

an outrageous act of violence which cannot go unpunished."

Recent months have seen an upsurge in attacks against journalists in Northern Ireland, with one photographer having a pipe bomb placed outside his house and another in-

jured in demonstrations at Belfast City Hall. NUJ general secretary Michelle Stanistreet said "The targeting of a journalist in this way is totally unacceptable and we are deeply concerned by this attempt to intimidate journalists."

Work for Condé Nast, NatMag, or Haymarket? Get in touch

THE *FREELANCE* hears of developments in the contracts "offered" by Condé Nast, by the National Magazines group and by the Haymarket group to freelancers. All freelancers

who do work for these publishers, please contact the Freelance Office, if you haven't done so already, to discuss objections. We need to hear both from those of you who provide

words and pictures and those who work shifts: there are equally worrying reports of rate cuts. Please email freelanceoffice@nuj.org.uk saying which titles you do work for.

LFB meetings

11 March 2013

Numbers count: how
not to be bamboozled
by statistics

8 April

Check online!

See back page &
www.twitter.com/NUJ_LFB